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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WOOD, PHILLIPS, VANSANTEN, CLARK & MORTIMER
Suite 3800
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Chicago, IL 60661

EXAMINER

FITZGERALD, JOHN P

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,535

Applicant(s)

MCGUNN ET AL.

Examiner

John P Fitzgerald

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In view of applicant's amendment filed 18 August 2003, cancellation of 6, 7, 22-24, 26-31 and 35 is acknowledged.

Claim Rejections - 35 USC § 103

2. Claims 1-4, 8, 9 and 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McNown and Hill. McNown discloses a securable enclosure (Figs. 1-5), the securable enclosure having a front opening (A), the securable enclosure comprising: a top panel (5); first and second side panels (3); a rear panel (2), the top panel, first and second side panels, and rear panel being connected to each other with the securable enclosure in an assembled state to bound a storage space accessible through the front opening; a first connector part (1) fixedly attached to one of the top panel, first side panel, second side panel, and rear panel; and a second connector part (4), being a clip body, fixedly attached to another one of the top panel, first side panel, second side panel, and rear panel, the first and second connector parts releasably connected, each to the other, without requiring any additional separate parts to maintain the one and the another of the top panel, first side panel, second side panel, and rear panel together with the securable enclosure in the assembled state, wherein the first and second connector parts are connectable and releasable from each other by accessing and repositioning at least one of the first and second connector parts from within the storage space with the securable enclosure in the assembled state only through the front opening, wherein the one and the another of the top panel, first side panel,

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second side panel and rear panel are fixed together so that the one and the another of the top panel, first side panel, second side panel and rear panel are angled with respect to each other to define an inside corner and an outside corner, and the first and second connector parts are mounted at the inside corner. McNown does not expressly disclose a securable enclosure wherein the first and second connectable and releasable from each other by repositioning at least a part of the at least one of the first and second connector parts relative to the one or the another of the top panel, first side panel, second side panel, and rear panel to which the at least one of the first and second connector parts is fixedly attached; a lockable closure element which is movable between open and closed positions; wherein the first connector part comprises a clip body and the second connector part comprises a repositionable lock hook that is releasably connectable to the clip body, the another of the top panel, first side panel, second side panel and rear panel having a substantially flat surface to which the second connector part is mounted, the flat surface residing in a reference plane, the repositionable lock hook is pivotably attached to a housing and the housing is pivotable relative to another of the top panel, first side panel, second side panel, and rear panel about an axis that is substantially parallel to the reference plane between a) a first position wherein the repositionable lock hook can be connected to the clip body and b) a second position wherein the repositionable lock hook is urged so as to biasably urge the one and the another of the top panel, first side panel, second side panel, and rear panel against each other; wherein the lock hook is accessible for movement only through the front opening and from within the storage space with the securable enclosure in the assembled state; wherein the top panel is releasably connected to each of the first and second side panels and rear panel through at least first and second pairs of the connector parts provided one each on a) the top panel and b)

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one of the first side panel, second side panel, and rear panel, the connector parts in the second pair of cooperating connector parts provided one each on c) the top panel and another one of the first side panel, second side panel, and rear panel, the connector parts on the at least first and second pairs of releasable cooperating connector parts being connected, each to the other, without requiring any additional separate parts or repositioning of the panels to which the first and second pairs of releasable connector parts are connected. Hill teaches a securable enclosure (Figs. 1-5) wherein a top panel (13) is releasably connected to a side panel (11) by a plurality of first (41) and second (29) connector parts, connected to each other without requiring any additional separate parts or repositioning of the panels to which the first and second pairs of releasable connector parts are connected; wherein the first connector part comprises a clip body and the second connector part comprises a lock hook that is releasably connectable to the clip body, wherein the side panel has a substantially flat surface to which the second connector part is mounted, the flat surface residing in a reference plane, the repositionable lock hook is pivotably attached to a housing (28) and the housing is pivotable relative to the top panel and side panel about an axis that is substantially parallel to the reference plane between a) first position when the repositionable lock hook can be connected to the clip body and b) a second position wherein the repositionable lock hook is urged so as to biasably urge the top panel and side panel against each other; wherein the lock hook is accessible for movement thereof only from within the storage space through an opening (17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the first and second connector parts acting on the top and side panels as taught by Hill, modifying the first and second connector parts of the securable enclosure disclosed by McNown, thus providing a conveniently engaging

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connector means that serves as a stiffener for the top panel and exact placement of the top panel is not necessary and hence rapid installation of the top panel is facilitated (Hill: col. 1, lines 30-37). In specific regards to claims 8 and 9, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the first and second connector parts to releasably connect any panel to one another, including the bottom panel to one of the side panels, on the securable enclosure, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8 (CA7 1977).

3. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over McNown and Hill, as applied to claim 1 above, and further in view of WO 9105128 A1 to Dahlstedt. McNown and Hill disclose a securable enclosure having all of the elements stated previously, including a plurality of first and second pairs of releasably connected connector parts maintaining panels in the assembled state that are only accessible through the front opening, within the storage space of the securable enclosure. McNown and Hill do not expressly disclose a securable enclosure wherein the securable enclosure further comprises a front frame panel for a closure element and the front frame panel is releasably connected to at least one of the top panel, first side panel, and second side panel through at least a first and second pairs of releasable cooperating connector parts, the connector parts in the first pair of cooperating connector parts provided one each on a) the front frame panel and b) one of the top panel, first side panel, and second side panel, the connector parts in the second pair of cooperating connector parts provided one each on c) the front panel and another one of the top panel, first side panel, and second side panel, the connector parts in the at least first and second pairs of releasable cooperating connector parts

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being connected, each to the other, without requiring any additional parts. WO 9105128 A1 to Dahlstedt teaches a securable enclosure having a front frame panel (23) being releasably connected to the top (5) and side panels (3, 4); the front frame panel receiving a closure element (WO 9105128 A1 to Dahlstedt: page 13, lines 11-20) that is mounted to the front frame panel for movement between an open position allowing access to a storage space through the front opening and a closed position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a front frame panel and a closure element mounted thereon, as taught by WO 9105128 A1 to Dahlstedt to prevent access to the storage space and connectors of the securable enclosure disclosed by McNown and Hill, thus providing safe storage of items.

4. Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over McNown and Hill, as applied to claim 1 above, and further in view of Friederich et al. McNown and Hill disclose a securable enclosure having all of the elements stated previously. McNown and Hill do not expressly disclose a securable enclosure wherein the securable enclosure further comprises a bottom panel and a reinforcing rod that extends between the top panel and the bottom panel, the reinforcing rod being spaced from each of the first and second side panels and the rear panel. Friederich et al. teaches a securable enclosure (Figs. 1-11) having a bottom panel (3) and a reinforcing rod (5) that extends between the top panel (2) and the bottom panel, the reinforcing rod being spaced from each of the surrounding side panel walls (11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a reinforcing rod extending between the top and bottom panel, as taught by Friederich et al., modifying the securable enclosure disclosed by McNown and Hill, thus allowing for the

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mounting of brackets to support shelves (Friendrich et al. col. 1, lines 43-45). Furthermore, it is considered old and well known in the art to provide for reinforcement bars or reinforcement structure to increase the rigidity of a structure.

5. Claims 11-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McNown and Hill as applied to claim 1 above, and further in view of Marcum. McNown and Hill disclose a securable enclosure having all of the elements stated previously, including top, side and rear panels having substantially flat first and second surfaces on which the first and second connector parts are mounted thereto; wherein the first and second connector parts biasably urge the top panel and side panel against each other (as recited in claim 13); and wherein at least one of the first and second connector parts is spaced from a first flange angularly disposed to the first surface (14) on the top panel on which the at least one of the first and second connector parts is located (as recited in claim 14). McNown and Hill do not expressly disclose a securable enclosure wherein another of the top panel, first side panel, second side panel and rear panel second flat surface includes a second flange with a flat surface that is angularly disposed to the second surface, and with the securable enclosure in the assembled state, the flat surface on the first flange is facially abutted to the flat surface on the second flange, wherein at least one of the first and second connector parts extends fully through the first flange to connect the other of the first and second connector parts; wherein the first flat surface is substantially orthogonal to the second flat surface; wherein the first and second flanges each have an opening therethrough to accommodate the first and second connector parts. Marcum teaches a securable enclosure (Figs. 1-8) wherein the top panel (60) has a substantially flat first surface with a first flange (62) with a flat surface that is angularly disposed to the first surface, the side panel having a substantially flat

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second surface with a second flange (42) with a flat surface angularly disposed to the second surface, and with the securable enclosure in the assembled state, the flat surface on the first flange is facially abutted to the flat surface on the second flange, wherein the first and second flanges each have an opening (44, 54) therethrough to accommodate a connector part (C) connecting the top and side panel flanges to one another. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ flanges one of the top, first side, second side and rear panel having all of the attributes taught by Marcum, modifying the securable enclosure disclosed by McNown and Hill, thus providing an easily assembled and dissembled securable enclosure (Marcum: col. 1 line 39 to col. 2, line 27).

6. Claims 18-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McNown and Hill, as applied to claim 1, and further in view of Bains. McNown and Hill disclose a securable enclosure having all of the elements stated previously. McNown and Hill do not expressly disclose a securable enclosure wherein a first of the top panel, first side panel, and rear panel has a locating post fixed thereon, and another of the top panel, first side panel, second side panel, and a rear panel has a locating slot thereon which receives the locating post with the securable enclosure in the assembled state; wherein the locating post is fixed on the first side panel; wherein the locating post comprises a neck with an enlarged head on the neck, the enlarged head is moved into the locating slot by moving the first panel in a first direction in a first line with the first and another panels in a first relative position, and the slot is configured so that the enlarged head moved through the slot, shifting of the first panel relative to the another panel transverse to the first line to a second relative position causes the enlarged head to act against the another panel to thereby block movement of the enlarged head out of the slot by

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movement of the first panel parallel to the first line oppositely to the first direction; a third connector part on the first panel and a fourth connector part on the another panel, the third and fourth connector parts being releasably connectable, each to the other to maintain the first and another panels in the second relative position. Bains teaches a panel joint for a securable enclosure (Figs. 1-8) for first (14) and second (16) panels applicable to both right angle and in-line panel joints wherein the first panel has a locating post (40) fixed thereon comprising a neck (42) with an enlarged head (46) is moved into a locating slot (64) located on the second panel which receives the locating post; the enlarged head moved into the locating slot by moving the first panel in a first direction in a first line with the first and second panel in a first relative position, and the slot is configured so that the enlarged head moved through the slot, shifting of the first panel relative to the second panel transverse to the first line to a second relative position causes the enlarged head to act against the second panel to thereby block movement of the enlarged head out of the slot by movement of the first panel parallel to the first line oppositely to the first direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the locating posts and slots to join any one of the panels to one another, as taught by Bains, modifying the securable enclosure disclosed by McNown and Hill, thus allowing the joining of the panels quickly and tightly with a joint that is uniform and tight along its complete length and stays tight when subjected to movement (Bains: col. 1, lines 45-59). In specific regards to claim 21, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ third and fourth connector parts, or any number of connector parts, to releasably connect any panel to one another, including the bottom panel to one of the side panels, on the securable enclosure, since it has been held that mere

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duplication of the essential working parts of a device involves only routine skill in the art. *St.*

Regis Paper Co. v. Bemis Co., 193 USPQ 8 (CA7 1977)

Response to Arguments

7. Applicant's arguments filed 18 August 2003 have been fully considered but they are not persuasive. The Examiner disagrees with Applicant's arguments regarding amended claims 1 and 11, specifically, that McNown in view of Hill does not meet the limitations of the claims. Hill clearly discloses a top panel connectably and releasably attached to a side of a container. The fact that the top panel maintains an opening which allows access to the connector elements is irrelevant since this limitation is not present in the claims. Hill provides a teaching to modify the connector elements disclosed by McNown, which are only accessible through the front opening. A similar argument is made regarding claim 16. Once again, the Hill reference clearly discloses releasable connector elements with respect to securing a top panel to a side, and, as such, is completely applicable in combination with McNown. In regards to claims 18 and 21, applicant argues that the Bains reference does not teach or suggest the same structure in combination with the first and second connector parts of claim 1. The Examiner respectfully disagrees. Bains clearly teaches a connector element operating through an opening on flanges, thus providing a teaching to modify the combination of McNown and Hill. Lastly, in regards to rejected claim 14, the combination of McNown, Hill and Marcum, as recited above in paragraph 5 of the present Office Action, clearly meet the limitations of claim 14, in particular, at least one of the connector parts spaced from a flange on one of the panels.

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Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Fitzgerald whose telephone number is (703) 305-4851.. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.



JF

11/14/2003

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